

results.

REMARKS

Reconsideration of the application as amended is respectfully requested.

In the action of November 1, 2000, the examiner rejected claims 1-3, 5 and 7 under 35 U.S.C. §102 as anticipated by Giuliani et al, '751; rejected claims 4, 6, 8 and 12-14 under 35 U.S.C. §103 as unpatentable over Giuliani et al, '751; and rejected claim 9 under 35 U.S.C. §103 as unpatentable over Giuliani et al in view of Roberts et al, '467.

The invention of this application is an article for treatment of a very specific physical condition in the oral cavity, namely a lack of sufficient saliva. This condition, as pointed out in the specification, can at the very least be irritating and in many cases can be a significant detriment to good oral health. A number of attempts have been made to solve this particular problem, including drugs and artificial saliva. Applicants, however, have discovered that saliva production can be increased by use of a stimulator member operating at a selected frequency and amplitude, the stimulator member itself being configured and arranged to produce a saliva stimulating vibration of the salivary member when the stimulator is brought into physical contact with the member.

The stimulator member has particular physical characteristics, which are set forth in independent claim 1, to produce the saliva stimulating vibration of the salivary member. This includes a selected height and thickness and a material which has specific physical characteristics. The typical toothbrush arrangement-/material is not capable of producing such a saliva stimulating action on the salivary member.

The examiner has cited Giuliani '751 as the primary reference. While it is certainly true that Giuliani discloses a vibrating toothbrush with a brushhead member (element 18), there is no teaching or suggestion of a stimulator member having the claimed physical characteristic necessary to produce a saliva stimulating vibration. The typical toothbrush element does not produce such an action. There is no disclosure in Giuliani concerning any physical characteristics of the brush member, other than that it is a conventional toothbrush element. A conventional toothbrush brushhead element comprises individual small strands of nylon bristles captured

into a series of tufts. Typical nylon bristles do not have the configuration, in particular the thickness, to produce a saliva stimulating action. In addition, the Giuliani brushhead material does not have the specific claimed physical characteristics which result in the successful vibration of the salivary member.

The claimed characteristics are not engineering choices, since there is no teaching of the basic concept of using a vibrating stimulator member to increase saliva production, and as a result, there is no guidance or parameters for selecting a material and/or the configuration of the stimulating member to produce the desired vibration of the salivary member. Under such conditions, one skilled in the art would be unable to make any choices to get to the claimed invention. Claim 1 is thus allowable over Giuliani '751.

Dependent claims 2-9 and 12-14 are also allowable. However, the attention of the examiner is directed toward dependent claims 5, 6 and 12, which contain additional specific structural limitations relative to the vibration of the salivating member. In claim 5, the stimulator member is driven at a frequency which results in a random movement of the tips of the stimulator member. There is no disclosure or structure which meets that limitation in the Giuliani reference. With respect to claim 6, there is no teaching of such a particular characteristic of the material. The discovery of a particular material with a particular durometer range, in view of the myriad of possibilities, would appear to be more inventive than routine.

Claim 12 is directed toward a structure having a specific operational capability. There is no evidence that such a structure would be readily known or obvious.

Accordingly, claims 1-9 and 12-14 are in condition for allowance, and such action on the part of the examiner is respectfully requested. Further, claims 10 and 11 should also be allowable, since claim 1 is generic to those claims.

Respectfully submitted,

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